

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DAVID H. BAKER,

Plaintiff,

DECISION AND ORDER

03-CV-6558L

v.

STEVEN GEROULD,
DAVID EGELSTON,
CHARLES JOHNCOX,
JAMES TUFFEY,
DONALD SNELL,
WALTER HEINRICH,
ERIN CROTTY,
LAWRENCE JOHNSON,

Defendants.

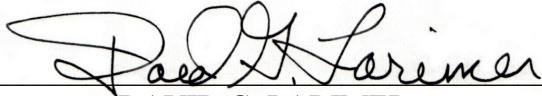
On June 27, 2007, prior to the close of discovery and while two motions by plaintiff to compel additional discovery were pending (Dkt. #71, #86), defendants filed a motion for summary judgment dismissing the complaint (Dkt. #103). Plaintiff responded with a motion to stay consideration of defendants' motion for summary judgment until after the plaintiff's motions to compel were decided, or in the alternative, for an enlargement of time to respond to the summary judgment motion (Dkt. #109).

On March 27, 2008, Magistrate Judge Marian W. Payson issued a Decision and Order which granted, in part, plaintiff's motions to compel additional discovery, and specified that discovery be completed on or before May 8, 2008 (Dkt. #122).

In light of the fact that discovery will shortly be completed, I find that a stay of the pending motion for summary judgment is unnecessary, and plaintiff's motion to stay (Dkt. #109) is therefore denied. Plaintiff's alternative request for an enlargement of time to respond to the summary judgment motion (Dkt. #109) is granted, and plaintiff is ordered to file all responding papers relevant to that motion with the Court by June 8, 2008. Reply papers by the moving party must be filed no later than fifteen (15) days following the filing of the responding papers.

When all of the papers have been submitted, the Court will review them to determine if argument is necessary and if so, the parties will receive notice of the argument date.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
March 31, 2008.